

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**ROBERT FRANKLIN AND SHANNON O'QUINN FRANKLIN,
EACH INDIVIDUALLY AND EACH ON BEHALF OF
LARRY D. MAYS, A MINOR CHILD** **PLAINTIFFS**

V. **CAUSE NO.: 5:15cv120DCB-MTP**

**NORTH CENTRAL NARCOTICS TASK FORCE;
CLAIBORNE COUNTY, MISSISSIPPI; MARIO GRADY,
IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES;
CORY WEATHERSPOON, IN HIS OFFICIAL AND INDIVIDUAL
CAPACITIES; SCOTT STEWART, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES; WILLIAM NEVELS, IN HIS
OFFICIAL AND INDIVIDUAL CAPACITIES; THE CLAIBORNE
COUNTY SHERIFF'S DEPARTMENT AND MICHAEL WELLS,
IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES; AND
DOE DEFENDANTS 1-10**

DEFENDANTS

AFFIDAVIT OF THOMAS J. BELLINDER

STATE OF MISSISSIPPI
COUNTY OF HINDS

I, THOMAS J. BELLINDER, being duly sworn, state under oath as follows:

1. I am the attorney of record for the Plaintiffs, and I have personal knowledge of the facts set forth in this affidavit. I am fully capable of giving this affidavit.
2. As of the date of the execution of this Affidavit, there are outstanding discovery issues in this matter relevant to whether or not the named Defendants committed acts which resulted in the losses and damages sustained by the Plaintiffs, whether or not Mario Grady, Cory Weatherspoon, Scott Stewart, William Nevels and Michael Wells came into the Plaintiffs' home and snatched Larry D. Mays out of his bed, whether or not Mario Grady, Cory Weatherspoon, Scott Stewart, William Nevels and Michael Wells threw Larry Mays to the ground, put their feet/knees in his back and held him at

gunpoint; whether or not Mario Grady, Cory Weatherspoon, Scott Stewart, William Nevels and Michael Wells handcuffed Larry D. Mays and twisted his arm; whether or not Mario Grady, Cory Weatherspoon, Scott Stewart, William Nevels and Michael Wells were employed by Claiborne County, Mississippi at all relevant times; whether or not Mario Grady, Cory Weatherspoon, Scott Stewart, William Nevels and Michael Wells were employed by the North Central Narcotics Task Force at all relevant times; and whether Claiborne County, Mississippi is legally responsible for the North Central Narcotics Task Force, in whole or in part.

3. Plaintiffs need additional time to conduct discovery in order to properly pursue their claims.

4. Pursuant to Fed.R.Civ.P. 56(d), the Court should refuse the application for judgment to permit affidavits to be obtained or depositions to be taken or discovery to be had.

5. That this affidavit is executed by affiant herein in accordance with Rule 56(f) of the Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiffs additional time to conduct discovery and to provide the court with sufficient grounds to deny Defendants' Motion for Summary Judgment.

FURTHER AFFIANT SAYETH NOT.



Thomas J. Bellinder
Attorney for Plaintiffs

Sworn to and subscribed before me this the 4 day of January,
2016.

My Commission Expires:



